

APPROVED MINUTES OCTOBER 26, 2005
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 11/3/05

MEMBERS	PRESENT	ABSENT	EXCUSED
DIANE LOTHAMER, CHAIR	X		
HARVEY HARRIMAN – VICE CHAIR	X		
JIM SEITZ	X		
BOB BEDA	X		
JONATHAN HOUCK	X		
COUNCILMEMBER ELLEN HARRIMAN	X		

OTHERS PRESENT: DIRECTOR STEVE WESTBAY AND PLANNER KIM ANTONUCCI, RICHARD KARAS, SHELLY PIERSON, CINDY SMOCK, TOM MARSHALL AND OTHER CONCERNED CITIZENS.

CALL TO ORDER AT 7:00PM BY CHAIR LOTHAMER

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC HEARING

Chair Lothamer opened the public hearing at approximately 7:00p.m. for Zoning Amendment – ZA 05-3 – to rezone Meadows Village from PUD R2M and R3 zoning to a PUD R1 zoning.

Proof of publication was shown for the record.

Planner Antonucci presented the application stating the applicant is Community Development Director Westbay. The rezoning is requested to ensure single family homes will be prevailing in the subdivision. Director Westbay gave a history on the subdivision stating that Dan McKenna did not want to go through a rezoning process at the time of the original application. Meadows Village does have covenants; however they are not regulated by the City. Westbay stated the current situation is somewhat of a concern for land use review. After the subdivision was approved, McKenna was more comfortable with staff and with moving forward with rezoning for single family residential. Director Westbay stated there were several reasons for pursuing an application: drainage infrastructure, avigation easement, curvilinear design road system is better suited for lower density residential use, single family residential use is compatible with adjacent uses, and covenants are not regulated by the city and can be changed by the homeowner association. There was discussion on the flexibility of a PUD.

A letter from County Attorney, David Baumgarten, dated October 26, 2005 was entered for the record. The letter expressed the hospital has no objection to the proposed rezoning and asked that the existing avigation easement remain if the rezoning occurs.

No public comment was received.

The Commission discussed the following:

- The current and proposed rear setback of 5 feet;
- R1 zoning found in primarily 2 section of the city;
- Side setback requirements for emergency services and snow shed;
- Compatibility of surrounding area;
- Drainage and utility easements.

Chair Lothamer closed the hearing at approximately 7:35p.m.

PUBLIC HEARING

Chair Lothamer opened the public hearing at approximately 7:40p.m., for Conditional Use – CU 05-7 - to operate a chiropractic home business at 513 North 14th Street.

Proof of publication was shown for the record.

Planner Antonucci gave an overview of the application, stating the applicant is Dr. Norman Allard. The applicant would like to operate a home business in an R-2 zone.

A letter from Doug Kennedy, dated October 24, 2005 was entered for the record. The letter expressed opposition to the requested conditional use application.

Tom Marshall represented the applicant. Mr. Marshall stated the application speaks for itself. Dr. Allard would see one patient at a time, will have no employees, and would like to use the family room of the house for the patient area. Eight parking spaces have been proposed in the alley and there is a sidewalk coming from the alley to the side of the home. Mr. Marshall continued, saying Dr. Allard is a natural medicine type person and that he operates a very quiet practice.

The following comments were received:

- Shelly Pierson, 513 North 14th Street – Ms. Pierson expressed support for the application. She showed pictures of the property to the Commission, stating the front of house shows private parking, a full fence, and eight parking spaces in the alley. Ms. Pierson stated she is removing the trash bin near the alley. She stated there was an upholstery home business at the subject address previously and gave examples of other home businesses in residential areas. Ms. Pierson stated

Norm's business should be quiet and she thinks it is really nice that Norm is stepping up and not going behind everyone's back.

- Cindy Smock, 524 North Boulevard – Ms. Smock asked which building would be the office and discovered there would be a separate entrance from the back. Ms. Smock was concerned with the idea of several patients at one time, parking in the alley, alley snow removal, medical waste and trash removal.

There was discussion on plowing in the alleys, signage in residential zones, and the shared dumpster on the property. The Commission discussed the findings and conditions found in the staff's recommendation.

Chair Lothamer closed the public hearing at approximately 8:25p.m.

CONSIDERATION OF OCTOBER 12, 2005 MEETING MINUTES

Commissioner Seitz moved to approve the meeting minutes of October 12, 2005 as presented. Commissioner Beda seconded the motion.

Roll Call Yes: Harvey, Lothamer, Houck, Ellen, Beda, and Seitz

Roll Call No: None

Motion Carried

POSSIBLE RECOMMENDATION – CONDITIONAL USE – CU 05-7, SUBMITTED BY NORMAN ALLARD TO OPERATE AS A CHIROPRACTIC DOCTOR AS A HOME BUSINESS AT 513 NORTH 14TH STREET

Commissioner Harriman moved to approve CU 05-7, to operate a chiropractic home business at 513 North 14th Street with the following six findings and 8 conditions:

FINDINGS OF FACT

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; provisions of the City of Gunnison Land Development Code; and the City of Gunnison Master Plan Volumes I and II (1994).
2. The Planning and Zoning Commission finds that the application requests a chiropractic doctor to operate as a home business in the R-2 zone district.
3. The Planning and Zoning Commission finds that the property is currently owned by Shelly and Gary Pierson, and they have authorized the applicant to pursue this conditional use application.
4. The Planning & Zoning Commission finds that the site plan shows eight off-street parking spaces; and that this is sufficient parking.
5. The Planning and Zoning Commission finds that the application and its proposed use will remain accessory in nature and will be compatible with the existing residential neighborhood as long as cited conditions are met.

6. The Planning & Zoning Commission finds that the review standards for conditional use applications have been or will be met based on the following eight conditions:

CONDITIONS:

1. That this conditional use application is valid only for the applicant, Dr. Norman Allard, and this approval does not run with the land.
2. The applicant must contact the Building Official to obtain a change of use permit.
3. The applicant must contact the Fire Marshall prior to the use of any medical gases on the property.
4. Hours of operation shall be restricted to 7am to 7pm daily.
5. If the home business is to be expanded in area, or to include employees or additional patients, the applicant must apply for an amendment to this conditional use application.
6. The Community Development Director is hereby authorized to revoke this conditional use permit if neighbors are negatively affected.
7. Not more than two patients shall be on the premises for chiropractic services at any given time.
8. The operation shall remain accessory to the existing residential use as expressed by the submitted application.

Commissioner Houck seconded the motion.

Roll Call Yes: Seitz, Beda, Lothamer, Ellen, Houck, and Harvey

Roll Call No: None

Motion Carried

POSSIBLE RECOMMENDATION – ZONING AMENDMENT – ZA 05-3, TO REZONE MEADOWS VILLAGE FROM PUD R2M AND R3 ZONING TO A PUD R1 ZONING

The Commission discussed and reviewed the findings of fact. There was also discussion on the rear setbacks and the lot regulation table stating no curb cuts on Spencer Avenue and Colorado Street.

Commissioner Harriman moved to continue application ZA 05-3, to rezone Meadows Village from PUD R2M and R3 zoning to a PUD R1 Zoning to November 9, 2005.

Commissioner Houck seconded the motion.

Roll Call Yes: Seitz, Beda, Lothamer, Ellen, Houck, and Harvey

Roll Call No: None

Motion Carried

THREE MILE COUNTY REFERRAL – LUC 205-54, WYMAN – FOR AN INDUSTRIAL/COMMERCIAL USE OF A WOOD SHOP WITHIN THE URBAN GROWTH BOUNDARY

Planner Antonucci presented the application. The subject property is a one acre parcel located adjacent to the city limits. The application is a land use change request for a

cabinetry woodworking business and staff has considered it an industrial use. The County has also considered the request an industrial use. The property is located in a residential area and adjacent to residential uses. Antonucci described the location, stating there are several outbuildings and the applicant wants to build a separate structure of 1600 sq feet for the woodshop.

The applicant Beth Wyman was present. There was discussion on the following:

- Sewer and water for the proposed building;
- Existing electricity with the city;
- Property surrounded by trees and dense vegetation;
- Location of proposed building has 50 foot setbacks;
- Applicant hopes city will see business as a tax benefit and not a loss;
- Concern for granting a commercial use and a different business being allowed in the future;
- Concern of utility and floodplain issues.

The Commission asked to take a site tour of the subject property. The Commission will tour the property on Friday, October 28th at 5:00p.m. The possible recommendation for LUC 2005-54 will be rescheduled to the next regular meeting.

UNSCHEDULED CITIZENS

Richard Karas stated he was concerned that no one from the city was present at the County Planning Commission meeting regarding Draft #7 for the housing regulations. It surprised him the city was not present at the meeting. Mr. Karas stated he feels the next draft (#8) will be sent to the Board of County Commissioners. He strongly urges someone from the city to be present at next meeting from either the Planning Commission or staff and obtain a copy of draft #8 before hand and read carefully and think about the issues, then formally represent the city in this matter.

Mr. Karas commented on the Intergovernmental Agreement with the County. He feels there was scant attention from the County Planning Commission regarding the recommendation for Glen Subdivision. Mr. Karas would like to see the city stand up a little taller on important issues.

COUNCIL UPDATE

Councilmember Harriman stated there is a housing symposium on Saturday, the Council discussed the process for selecting the new manager, discussed the budget, voted to give the housing authority \$2000 to pay for symposium, approved the first reading of the Duncan rezoning, and passed a resolution commending Kurt Schram.

PLANNING STAFF UPDATE

Commissioner Houck moved to cancel the regular meeting on November 23, 2005 due to its close proximity to the Thanksgiving Holiday. Beda seconded the motion.

Roll Call Yes: Seitz, Harvey, Lothamer, Ellen, Beda, and Houck

Roll Call No: None

Motion Carried

Director Westbay gave the Commission an update on a draft ordinance that would make the city a Certified Local Government and enable the city to designate properties on a historic register.

ADJOURNED

Chair Lothamer closed the meeting at approximately 9:50p.m.

Diane Lothamer, Chair

Attest:

Andie Ruggera, Secretary